



# The State Bar of California

OFFICE OF CHIEF TRIAL COUNSEL

180 Howard Street, San Francisco, CA 94105

March 3, 2023

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MAR 06 2023

United States District Court  
Court Clerk's Office  
450 Golden Gate Avenue, Box 36060  
San Francisco, CA 94102-3489

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

RE: Case Name: *Sinco Technologies PTE, LTD v. Sinco Electronics (Dongguan) Co., LTD, et al.*  
Case Number: 3:17-cv-5517-EMC  
Date of Birth: N/A  
OCTC Case Number: 19-O-26857

Dear Sir or Madam:

The Office of Chief Trial Counsel needs to request copies of documents in connection with an investigation this office is conducting in an attorney disciplinary matter.

Please provide a non-certified copy of the following document:

- Docket No. 192: Letter from Defendants' Counsel (Filed 4/15/2019)

The Office of Chief Trial Counsel understands that the document labeled as Docket No. 192 has been sealed pending further order from the court. The Office of Chief Trial Counsel is making this request for copies of documents pursuant to Business and Professions Code, Section 6090.6. Business and Professions Code, Section 6090.6 states the following:

In a disciplinary proceeding, the State Bar shall have access, on an ex parte basis, to all nonpublic court records relevant to the competence or performance of its licensees, provided that these records shall remain confidential and shall not be disclosed pursuant to any state law, including, but not limited to, the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of

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Title 1 of the Government Code). This access, for investigation and enforcement purposes, shall not be limited by any court order sealing those records, except a court order authorized by Section 851.6, 851.7, 851.8, or 851.85 of the Penal Code. The State Bar may disclose publicly the nature and content of those records, including sealed records other than those specified immediately above in this section, after notice of intention to disclose all or a part of the records has been given to the parties in the underlying action. A party to the underlying action who would be adversely affected by the disclosure may serve notice on the State Bar within 10 days of receipt of the notice of intention to disclose the records that it opposes the disclosure and will seek a hearing in the court of competent jurisdiction on an expedited basis.

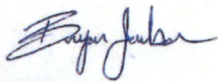
The State Bar's Letter of Exemption to waive any fees is also attached.

If you can provide us with non-certified copies electronically, please email them to:  
[bryan.joelson@calbar.ca.gov](mailto:bryan.joelson@calbar.ca.gov).

Please address physical copies to Bryan Joelson at the address on the letterhead. If you have any questions, please contact the undersigned at (415) 538-2190.

Thank you for your assistance in this matter.

Sincerely,



Bryan Joelson  
Investigator





## The State Bar of California

180 Howard Street, San Francisco, CA 94105

OFFICE OF THE EXECUTIVE DIRECTOR

[Leaht.Wilson@calbar.ca.gov](mailto:Leaht.Wilson@calbar.ca.gov)  
415-538-2257

### TO WHOM IT MAY CONCERN:

As provided in sections 6103 and 70633 of the Government Code, the State Bar of California (State Bar) is exempt from paying filing fees and other fees for official court services, such as copying and certifying civil documents. As provided in section 26857 of the Government Code, the State Bar also is exempt from paying fees for copying and certifying documents on file with a county clerk.

The State Bar is a constitutional agency established as a public corporation in the judicial branch of California state government (Cal. Const., art. VI, § 9.) In matters relating to the admission and discipline of attorneys, the State Bar proceeds as an arm of the California Supreme Court. (*In re Attorney Discipline System* (1998) 19 Cal.4th 582, 600; *Rosenthal v. Justices of the Supreme Court of California* (9th Cir. 1990) 910 F.2d 561, 566, cert. den. (1991) 498 U.S. 1087; *Jacobs v. State Bar* (1977) 20 Cal.3d 191, 196; *Emslie v. State Bar* (1974) 11 Cal.3d 210, 224.) All property of the State Bar is held for essential public and governmental purposes and is exempt from all taxes of the state or any political subdivision. (Bus. & Prof. Code, § 6008.) As a public corporation in the judicial branch of state government, the State Bar is a public agency and its officers are "public officers." (*Chronicle Pub. Co. v. Superior Court* (1960) 54 Cal.2d 548, 565.)

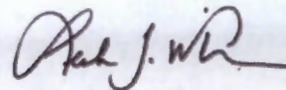
Consistent with this status, the State Bar is granted the immunities and protections of the California Government Claims Act, which are only applicable to public agencies. (Bus. & Prof. Code, § 6094, subd. (a); Gov. Code, §§ 811.2, 811.4, 900.4 and 940.4; see also *Engel v. McCloskey* (1979) 92 Cal.App.3d 870, 881.) The State Bar also is afforded immunity against suits for money damages under the Eleventh Amendment to the U.S. Constitution, a protection extended only to the states and their agencies or departments. (*Kinney v. State Bar of California* (9th Cir. 2017) 708 Fed.Appx. 409, 410; *Hirsh v. Justices of Supreme Court of State of California* (9th Cir. 1995) 67 F.3d 708, 715; *Lupert v. California State Bar* (9th Cir. 1985) 761 F.2d 1325, 1327.)

With respect to the courts, Government Code section 6103 excuses the state, and public officers or bodies acting in their official capacities on behalf of the state, from paying fees for the filing of any document or paper, for the performance of any official service, or for the filing of any stipulation or agreement that may constitute an appearance in any court." (Gov. Code, § 6103, subd. (a).) In addition, Government Code section 70633, subdivision (c), provides that, except as permitted by subdivision (b) of that section, "no fee shall be charged by the [court] clerk for service to . . . the state government . . . or any of its officers acting in his or her official capacity."<sup>1</sup>

With respect to county clerks, Government Code section 26857, similarly provides that, "[n]o fee shall be charged by the clerk for service rendered to . . . the state . . . government, nor for any service relating thereto." (Gov. Code, § 26857.) Section 26857 has been interpreted to exempt state agencies from paying fees for copying and certifying documents on file with the county clerk. (See 98 Ops. Cal. Atty. Gen. 49 (2015).)

The fee exemptions applicable to state entities under the Government Code are applicable to the State Bar of California as a recognized public agency and arm of the state government.

I, LEAH WILSON, Executive Director of the State Bar of California, do hereby certify that the preceding is true. Witness my hand and seal of the State Bar of California, this 20 day of December 2022.



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LEAH WILSON

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<sup>1</sup> Government Code section 70633, subdivision (b), provides that courts may, but are not required to, charge government agencies for certifications and copies of all criminal records. However, this exception to the general fee exemption applicable to state entities applies only to criminal actions, not to civil actions or special proceedings. (98 Ops. Cal. Atty. Gen. 49 (2015).)





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THE STATE BAR OF CALIFORNIA  
180 Howard Street, San Francisco, California 94105-1617



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NORTH DISTRICT OF CALIFORNIA

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